

ORDINANCE NO. 02-412

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING ITS SOLICITATION ORDINANCE CHAPTER 9.12 OF TITLE 9
AND DECLARING THE URGENCY THEREOF

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1: FINDINGS. The City Council of the City of Los Altos hereby finds:

- a) Prior to the adoption of the Solicitation Ordinance on August 31, 1999, large groups of persons congregated on a portion of El Camino Real within the City on a daily basis in order to solicit employment, business or contributions from the occupants of vehicles; and
- b) Persons wanting to interact with the solicitors were attracted to this location, causing hazardous situations as they conduct the interaction with the solicitors; and
- c) The activity of soliciting from occupants of vehicles distracts drivers from their primary duty to watch traffic, bicyclists, pedestrians and potential hazards in the road, observe all traffic control signals or warnings and prepare to move with the flow of traffic through the City's streets and intersections; and
- d) The practice of congregating in order to solicit from occupants of vehicles serves to attract additional vehicles to an area which already suffers from traffic congestion without providing any means of mitigating the traffic impact; and
- e) The practice of congregating in order to solicit from occupants of vehicles results in congestion and blockage of the driveways to parking areas and sidewalks when vehicles stop to negotiate with the occupants and creates a substantial hazard to bicyclists and pedestrians; and
- f) The orderly flow of motorized traffic is a major concern on El Camino; and
- g) It is the policy of this City to encourage and enable bicycle and pedestrian use; and
- h) Distracted drivers are more prone to automobile accidents, and accidents on the public streets constitute a substantial traffic safety problem which impedes the orderly flow of traffic, is unsafe for the person engaging in the solicitation, bicycle and pedestrian traffic, and the traffic generally; and
- i) The on-going congregation of solicitors makes it difficult for pedestrians to pass and to access local businesses, effecting the economic well being of the business and the community; and
- j) The City Council is aware of the experience of many other cities in this state, including but not limited to its immediate neighbor, the City of Mountain View, and the City of San Jose; and
- k) The City Council has reviewed its current ordinance and has determined, based on its experience, to clarify it to make it a more effective ordinance; and
- l) This ordinance is categorically exempt from environmental review, per the provisions of Section 15308 of the California Environmental Quality Act Guidelines; and
- m) The City Council has determined that it is necessary to enact this ordinance as an urgency ordinance in order to have it effective immediately since litigation is pending challenging the ordinance and it is necessary that the intent of the City Council, which is unchanged, be clear to all persons. The City Council therefore finds that this ordinance is required for the immediate preservation of the public peace, health and safety.

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 2.: AMENDMENT OF CODE. Chapter 9.12 of Solicitations 9 of Title 9 Streets, Sidewalks and Public Places of the Restructured Los Altos Municipal Code is amended and superceded as follows:

Chapter 9.12. Vehicle Solicitation

9.12.010. Definitions.

As used in this Chapter, the following words and phrases shall have the following meaning:

- A. "Business" means any type of product, good, service, or activity that is provided or performed, or offered to be provided or to be performed, in exchange for money, labor, goods, or any other form of consideration or a thing of value.
- B. "Employment" means services, industry, or labor performed by a person for wages, a fixed sum, or other compensation or thing of value, or under any contract or hire, written, oral, express, or implied.
- C. "Solicit" means any request, offer, enticement or action which announces the availability for or of employment, the sale of goods, or a request for money or other property; or any request, offer, enticement or action which shows intent or desire to purchase or secure goods or employment, or to make a contribution of money or other property. Solicitation shall include participation in discussions undertaken in response to the solicitation by another person. A solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.
- D. "Public right-of-way" means public streets, highways, roadways, and sidewalks, including driveways.
- E. "Congregating" means a gathering of at least five (5) persons in an area for the purpose of vehicle solicitation.

9.12.020. Vehicle Solicitation Prohibited.

- A. It shall be unlawful for any person occupying any unparked vehicle, whether driver or passenger, in the roadway in a posted no vehicle solicitation zone to take any action intended to solicit, any person standing, sitting, walking or riding any nonmotorized conveyance, within the public right of way;
- B. It shall be unlawful for any person, while standing, sitting, walking, or riding any non-motorized conveyance within the public right of way, in a posted no vehicle solicitation zone, to take an action intended to solicit any person traveling in a vehicle within the roadway.

9.12.030. No Vehicle Solicitation Zones.

The Chief of Police may declare an area to be a no vehicle solicitation zone when he or she finds:

- A. That persons have been congregating in the area with the purpose of vehicle solicitation or that vehicles are frequenting the area with the purpose of soliciting; and
- B. Based on traffic volume, visibility, the nature of adjacent property, interference with lawful business of owners or tenants immediately adjacent to an area, and other considerations of traffic safety, that solicitation within any such area or areas would substantially degrade the conditions previously existing before any solicitation, or would, if continued, constitute a public nuisance or is otherwise adversely affecting the public peace, health, safety and welfare.

9.12.040. Signs Required.

- A. Signs shall be posted along at least every one hundred eighty (180) feet of the public property or right-of-way in any area declared to be a "no vehicle solicitation zone".
- B. The prohibitions set forth in Section 9.12.020 shall not be effective unless and until the Chief of Police has posted signs giving notice of the "no vehicle solicitation zone".
- C. The Chief of Police shall discontinue any "no vehicle solicitation zone" that he or she determines is no longer needed for public peace, health, safety and welfare.
- D. The Chief of Police shall submit an annual report to the City Council setting forth the location of any and all "no vehicle solicitation zones" and the reasons therefore.

9.12.050. Violation An Infraction.

- A. Violation of this Chapter is an infraction, punishable as provided by law.

SECTION 3.: This Ordinance was duly introduced and passed as an Urgency Ordinance pursuant to the Constitution and laws of the State of California, including, but not limited to, Section 36937(b) of the California Government Code.

SECTION 4.: This Ordinance shall take effect immediately.

SECTION 5.: This ordinance shall be published once as required by the California Government Code.

SECTION 6.: **CONTINUATION OF PREVIOUSLY POSTED ZONE:** The previously posted area on El Camino Real, eastbound from San Antonio Road to Jordan Avenue and Sherwood Lane shall be deemed to have been posted pursuant to this ordinance.

SECTION 7.: **SEVERANCE:** The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

The above and foregoing ordinance was duly introduced and adopted as an Urgency Ordinance at a regular meeting of the Los Altos City Council on May 17, 2002, by the following roll call vote:

AYES: Mayor La Poll, Mayor Pro Tem Casto, Councilmembers Becker, and Moss

NOES: None

ABSENT: Councilmember Lear


Francis La Poll, Mayor

ATTEST:


Carol Scharz, City Clerk